



Virginia Waste Management Board Meeting September 21, 2020

Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110 Annual Update 2019

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Acronyms

- FMCSA – Federal Motor Carrier Safety Administration
- US DOT – United State Department of Transportation

Why are we amending 9VAC20-110?

- US DOT makes changes every year to the federal regulations governing the transport of hazardous materials under Title 49 of the Code of Federal Regulations (CFR).
- Virginia adopts sections of Title 49 by reference. Therefore, in order to incorporate the latest rules, an amendment is necessary to update these references to the most current CFR.

Annual Update 2019

- Keeps Virginia rules current with federal rules.
- Enables Virginia State Police to inspect and enforce the federal requirements for hazardous materials transport.
- Covers the federal rules adopted during the period of October 1, 2018 through September 30, 2019. These rules were published in the CFR dated October 1, 2019.

Changes in the Regulation

- **9VAC20-110-110. Compliance.**

- Updated to the October 1, 2019 Title 49 of the Code of Federal Regulations.
- Deleted Subsection B as the extension rule is included in the October 1, 2019 CFR publication of Title 49.

- **Summary of 49 CFR changes provided in Board Book.**

- Virginia State Police were notified of the regulatory action and had no concerns with the federal rules being incorporated by this action.
- We are updating 9VAC20-110 in order to keep Virginia regulations in line with the federal requirements.

Process

- **Final Exempt Process**

- The Administrative Process Act allows for an expedited adoption process if certain criteria are met.
- § 2.2-4006 A 4 c: A regulation may be exempt from full process if it is “necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation.”

End of Staff Presentation

- Are there any questions?

- The staff recommends:

Staff Recommended Action

The Board adopt Annual Update 2019 to 9VAC20-110, authorize its publication, and affirm that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.